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8	UNITED STATES DISTRICT COURT	
9	DISTRICT OF NEVADA	
10	UNITED STATES OF AMERICA,	)
11	Plaintiff(s),	Case No. 2:16-cr-00012-APG-NJK
12	v.	ORDER
13	ELWYN HOVIETZ,	(Docket No. 42)
14	Defendant(s).	
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16	On June 8, 2017, Defendant filed a notice of assertion of right regarding shackling. Docket No. 41.	
17	The notice relates to the issuance of the <i>en banc</i> decision in <i>United States v. Sanchez-Gomez</i> , F.3d,	
18	2017 WL 2346995 (9th Cir. May 31, 2017). On June 13, 2017, the Government moved to strike that	
19	notice, arguing that it mischaracterizes the Ninth Circuit's decision. Docket No. 42. These filings are not	
20	tethered to any particular hearing, shackling request, or shackling determination. There is no live justiciable	
21	dispute before the Court. Accordingly, the motion to strike is <b>DENIED</b> without prejudice to the parties	
22	addressing the issues at an appropriate time if necessary.	
23	IT IS SO ORDERED	
24	Dated: June 22, 2017	
25	NANCY J. KOPPE	
26	United	States Magistrate Judge
27		
28	<sup>1</sup> On June 16, 2017, the Ninth Circuit entered a 90-day stay of the issuance of the mandate.	